

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER DISTRICT NO. 37 & 37 M**

P.O. Box T  
Shoshone, Idaho 83352  
(208) 886-2451

RECEIVED  
AUG 13 2002  
Department of Water Resources  
Southern Region



LEE R. PETERSON  
Watermaster

COPY

August 13, 2002

Department of The Army  
Walla Walla Dist., Corps of Engineers  
Attn: Edward J. Kertis Jr.  
201 North Third Avenue  
Walla Walla, WA 99362-1876

RE: Silver Creek dike maintenance, NWW No. 022201080

Colonel Kertis:

In response to your letter, July 30, 2002, paragraph 1, "Notice of violation-unauthorized work".

On June 30, 1941, Water District 37M, acquired an easement on both sides of Silver Creek, from Jess O. and Addie B. Smith, for the purpose of construction, build up, repair and maintenance of the banks, so the water would remain within the banks for use of decreed water users for irrigation.

"Your request for information". We did not dredge, or discharge fill material into the creek. Two Big Wood Canal Co. employees and myself were there. Two of us watched this operation to make sure no material was discharged into the creek. In regards to complaints by other people, there were no other people present, therefore, they could not have possibly witnessed material being discharged into the creek. There were no pictures taken to prove this allegation. On the contrary we took every precaution to make sure materials were not discharged into the creek.

Wetlands:

This particular field appears to have been a hay field or pasture due to the irrigation ditches throughout the field. There is an irrigation diversion for this property up stream by the sportsman access. The EPA has no proof of such allegation, because they were not even there.

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Page 2

"Unauthorized":

The way I see it, the ownership of this easement for the purpose described above, gives the District authority to do the work. In 1941 there were no protests to the District acquiring this land and easements for the purpose of building and maintenance of these dikes. This year we were simply repairing and performing maintenance on these original dikes so the water would remain in the creek for irrigation purposes.

- (A) I was the one of two workers checking to be sure the machine operator was not allowing material to fall into the stream.
- (B) Big Wood Canal Co. P O Box C, Shoshone, Idaho 83352.
- (C) June 25,26,2002.
- (D) To maintain the existing dike owned by Water District 37M.
- (E) We have completed the work that was necessary.
- (F) We did not apply for a permit because we had no intention of putting anything of any kind into the creek, and we own the dike and easements for it, therefore we had no idea that we would need permission from anyone else to do work on our own property.

Sincerely,

Lee R. Peterson  
Watermaster

CC: Karl Dreher, IDWR  
Norm Young, IDWR  
Allen Merritt, IDWR